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JS-6

10 Attorneys for Plaintiff  
11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT  
13  
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
15 WESTERN DIVISION

16 UNITED STATES OF AMERICA,	)	No. CV 10-3436-JFW(PLAx)
	)	
17 Plaintiff,	)	
	)	
18 v.	)	<b>CONSENT JUDGMENT OF FORFEITURE</b>
	)	
19 \$507,998.80 IN BROKERAGE	)	
FUNDS AND \$2,880.00 IN U.S.	)	
20 CURRENCY,	)	
	)	
21 Defendants.	)	
	)	
22 LI CHEN AND THANH LY,	)	
	)	
23 Claimants.	)	
	)	

24  
25  
26 On or about May 7, 2010, Plaintiff United States of America  
27 ("the government," "the United States of America" or "plaintiff")  
28 filed a Complaint for Forfeiture alleging that the defendants

1 \$507,998.80 in Brokerage Funds and the defendant \$2,880.00 in U.S.  
2 Currency (collectively, the "defendants") are subject to forfeiture  
3 pursuant to 18 U.S.C. § 981(a)(1)(A) and (C).

4 Claimants Li Chen and Thanh Ly (collectively, "claimants")  
5 filed their respective claims to the defendants on or about July  
6 12, 2010 and an answer to the Complaint on or about July 8, 2011.  
7 No other parties have appeared in this case and the time for filing  
8 claims and answers has expired.

9 The government and claimants have now agreed to settle this  
10 action and to avoid further litigation by entering into this  
11 Consent Judgment of Forfeiture.

12 The Court, having been duly advised of and having considered  
13 the matter, and based upon the mutual consent of the parties  
14 hereto,

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

16 1. This Court has jurisdiction over the subject matter of  
17 this action and the parties to this Consent Judgment of Forfeiture.

18 2. The Complaint for Forfeiture states a claim for relief  
19 pursuant to 18 U.S.C. § 981(a)(1)(A) and (C).

20 3. Notice of this action has been given as required by law.  
21 No appearances have been made in the litigation by any person other  
22 than claimants. The Court deems that all other potential claimants  
23 admit the allegations of the Complaint for Forfeiture to be true.

24 4. The sum of \$95,000.00 only (without interest) shall be  
25 returned to claimant Li Chen. The remainder of the defendants  
26 (i.e., \$412,998.80 of the defendant \$507,998.80 in brokerage funds  
27 and the defendant \$2,880.00 in U.S. Currency), plus the interest  
28 earned by the United States of America on the defendants shall be

1 condemned and forfeited to the United States of America, which  
2 shall dispose of those funds in accordance with law.

3       5. A total of \$57,000.00 of the \$95,000.00 in funds to be  
4 returned pursuant to paragraph 4 shall be paid to claimant Li Chen  
5 by electronic transfer directly into a bank account designated by  
6 claimant Li Chen. Claimant Li Chen (through her attorneys of  
7 record in this case) shall provide to the United States of America  
8 the necessary information in order for the United States of America  
9 to complete the \$57,000.00 wire transfer, including the bank name  
10 and address with respect to the bank where the wire transfer is to  
11 be made, and the bank account name, account number, account type  
12 and wire transfer routing number. The remaining \$38,000.00 of the  
13 funds to be returned, which claimants' attorneys of record  
14 represent belongs to them, shall be paid by electronic transfer  
15 directly into the general account of Sherman & Sherman, which law  
16 firm shall provide to the United States of America the necessary  
17 information in order for the United States of America to complete  
18 the \$38,000.00 wire transfer, including the Sherman & Sherman  
19 taxpayer identification number, bank name and address with respect  
20 to the bank where the wire transfer is to be made, and the bank  
21 account name, account number, account type and wire transfer  
22 routing number.

23       6. Claimants, and each of them, hereby release the United  
24 States of America, its agencies, agents, officers, employees and  
25 representatives, including, without limitation, all agents,  
26 officers, employees and representatives of the Department of  
27 Justice, the Department of Homeland Security, the United States  
28 Customs and Border Protection, the United States Immigration and

1 Customs Enforcement and their respective agencies, as well as all  
2 agents, officers, employees and representatives of any state or  
3 local governmental or law enforcement agency involved in the  
4 investigation or prosecution of this matter, from any and all  
5 claims, actions, or liabilities arising out of this action,  
6 including, without limitation, any claim for attorney fees, costs,  
7 and interest, which may be asserted by or on behalf of claimant, or  
8 either of them, whether pursuant to 28 U.S.C. § 2465 or otherwise.

9 7. The Court finds that there was reasonable cause for the  
10 seizure of the defendants and institution of these proceedings.  
11 This judgment shall be construed as a certificate of reasonable  
12 cause pursuant to 28 U.S.C. § 2465.

13 8. The Court further finds that claimants did not  
14 substantially prevail in this action, and the parties hereto shall  
15 bear their own attorney fees and costs.

16  
17 DATED: January 31, 2013

18  
19   
20 THE HONORABLE JOHN F. WALTER  
21 UNITED STATES DISTRICT JUDGE  
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28

CONSENT

The parties hereto consent to the above judgment and waive any right of appeal.

DATED: January 30, 2013

ANDRÉ BIROTTE JR.  
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STEVEN R. WELK  
Assistant United States Attorney  
Chief, Asset Forfeiture Section

/s/ Victor A. Rodgers  
VICTOR A. RODGERS  
Assistant United States Attorney  
  
Attorneys for Plaintiff  
UNITED STATES OF AMERICA

DATED: January 29, 2013

SHERMAN & SHERMAN  
A Professional Corporation  
LAW OFFICE OF ERIC HONIG

/s/ Janet Sherman  
JANET SHERMAN/ERIC HONIG  
Attorneys for Claimants  
LI CHEN and THANH LY

DATED: January 29, 2013

/s/ Li Chen  
LI CHEN  
CLAIMANT

DATED: January 29, 2013

/s/ Thanh Ly  
THANH LY  
CLAIMANT